

Lewis County Planning Commission **Public Meeting**

Lewis County Courthouse
Commissioners' Hearing Room – 2nd Floor
351 NW North St – Chehalis, WA

July 24, 2012 - Meeting Notes

Planning Commissioners Present: Mike Mahoney, Russ Prior, Bob Guenther, Arny Davis, Jim Lowery, Richard Tausch, Clint Brown

Staff Present: Lynn Deitrick, Mike Kroll, Rod Lakey, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from May 22, 2012
- Memo from Lynn Deitrick re: BLA
- BLA Existing Code Language
- Draft BLA Regulations
- 2011 Six Year Transportation Plan (STIP)
- 2013-2018 Proposed STIP

1. Call to Order

Chairman Lowery called the meeting to order at 6:03 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

The Agenda was approved as written.

3. Approval of Meeting Notes

Commissioner Guenther moved to approve the meeting notes from May 22, 2012; Commissioner Prior seconded. The motion carried.

4. Old Business

There was no old business.

5. New Business

A. Workshop on Six Year Transportation Plan (STIP)

Rod Lakey, Lewis County Public Works, explained the handouts which included last year's STIP for reference and an explanation of the funding sources, and the proposed STIP for 2013 through 2018. Some projects have been completed and there are carryovers from one year to the next; some move forward in time.

Mr. Lakey stated the BOCC requested that this draft be presented to the Planning Commission requesting its input as to what projects are needed within the six-year timeframe. The 2013 budget cycle has just begun and the STIP is very significant to the roads budget.

There are very limited sources of funding and the projects that are proposed are fundable - they score well due to traffic volume, accident history and the improvement itself. One funding source is through the County Administration Board and several projects listed on the second page of the handout will be utilizing that source. Mr. Lakey stated the federal funding is very competitive; bridge funding is most likely only if the bridge is falling down; rehabilitation is the preferred option.

Mr. Lakey stated the projects should be chosen by the need and benefit that the funding agencies are looking for. An example is the Louisiana project which was a TIB funded project that widened Airport Road and provided a multi-use path, plus it connected Chehalis and Centralia.

County-funded projects are in great demand but there is not very much money. A lot of those projects keep getting pushed back because of lack of funding, not because they aren't important.

Mr. Lakey stated comments would be accepted up until the adoption of the STIP and the BOCC will adopt the STIP at a hearing. Public Works would like recommendations; public participation has not been very robust.

Chairman Lowery asked for comments from the Planning Commissioners.

Commissioner Davis asked for more information on Leudinghaus Bridge No 87. Mr. Lakey stated this was a FEMA project. The bridge was destroyed in the 2007 flood. Mr. Davis thought that would be a higher priority project than some of the others because of how many people it affects. Mr. Lakey stated it is a FEMA project and all but approved, and still working towards constructing a bridge. Nothing is for certain with FEMA and he thought the 2014 timeframe was accurate.

Mr. Lakey stated if a project is funded it is a top priority; actual work may depend on scheduling within the Public Works department.

Commissioner Davis asked if there was enough money for maintenance on roads, outside of the STIP. Mr. Lakey stated the county's maintenance program is building back up. There are about 1100 miles of road to maintain. Chip sealing should be done every seven years on average; oil and rock prices have gone up. The program was cut way back after the cost of oil went up in 2008. There is always a need for more money for maintenance. The major portions of the area shops' budgets are for patching and asphalt. There is not enough money so the worst roads are being fixed and being prioritized by their condition and not necessarily on the 7-year cycle.

Mr. Mike Kroll stated there is a Transportation Strategy Council and about a year ago the RTPO asked the county to prioritize the top ten regional projects. This was done state-wide so the information could be taken to the Transportation Commission. Pretty much statewide, the jurisdictions were asking for money for maintenance rather than for projects.

Commissioner Guenther asked about the Newaukum River Bridge carryover. Mr. Lakey stated the bridge was replaced in 2011 and there was an archaeological find. The roadway is done but work still needs to be done on guardrail approaches and on one driveway. The carryover is to make sure the project can be completed. A damage assessment must be done for disturbed artifacts.

Commissioner Guenther asked for more information on the county roads safety program. Mr. Lakey stated a grant was received from federal highways for broad-based safety improvements. The first

phase was for guide posts and upgrading all of the signs. Phase II (\$1.1 million) is going to be used for guardrail improvements, intersection improvements, striping, stop bars, etc. The grant stipulated to hit as much of the area as it can; there are specific roads to which it applies.

Commissioner Guenther asked if the fish passage at Lucas Creek was an entire culvert or a bridge. Mr. Lakey stated there are two barrier culverts that were assigned for Salmon Recovery Funds but the SRF board does not like these projects so they are not funded. These are listed on the STIP in case someone comes along with a need for mitigation projects.

Mr. Lakey stated the Frazee Creek Fish Passage did not score well with the SRF board mainly because in the upper reaches the culverts are being replaced for one species of salmon. Lower in the basin there are multi-species so those are more likely to be funded.

Commissioner Guenther asked if the Middle Fork Road would have provisions for the Birchfield development. Mr. Lakey stated making provisions is one thing; the funding source lists "other" which would be the developer. Commissioner Guenther thought there would need to be significant work done there to accommodate the projected 6700 people living there. Mr. Lakey stated the design for that section is 34' wide; it is currently 22'. It is pretty far down the list since it is developer driven. The same goes for Mickelsen Parkway.

Commissioner Guenther thought Mickelsen Parkway should be a priority because that's where an industrial base is going to be. If there are prospective buyers and there is no road there the buyers will go elsewhere.

Commissioner Prior asked if the bridge on Davis Creek Road was not going to be fixed. Mr. Lakey stated that was a FEMA project and an alternate project was decided upon rather than replacing the bridge. There was a public hearing about a year ago and the decision was to not replace the bridge and to improve the intersection with turnarounds. The funding was in the amount for bridge replacement so the extra money will be used for equipment for flood fights and storage sheds at area shops 5 and 7.

Commissioner Prior asked if there was input from people who live on Davis Creek Road to not fix the bridge. Mr. Lakey stated there was very little input. All residents were invited and no one came to the public hearing. Commissioner Prior stated if Hwy 12 washed out Davis Creek might offer a detour for those who live east of the bridge. Mr. Lakey stated through the equipment purchase there will be a temporary bridge and the turnarounds would be built to accompany that temporary bridge.

Commissioner Tausch asked the policy for striping. Mr. Lakey stated most roads are striped every other year except for high traffic roads, unless it is less than a mile when there would be center striping or no striping at all.

Commissioner Mahoney asked the status of the Harrison and Borst Avenue improvements. Mr. Lakey stated Harrison Avenue has had funds applied for and there is a lot of competition. It is a \$12 million improvement if it includes three lanes, a bike path, sidewalks and gutters. This does not score a lot of points because it does not connect to anything - it just ends. It would also be developer driven. Short sections were improved when Michael's and Scott Industries went in.

Borst Avenue is the City of Centralia's highest priority due to the lack of sidewalks between the schools. Lewis County is on board to finish that since half of it belongs to the County. Centralia received a grant for it but they are considering using those funds elsewhere.

Chairman Lowery suggested the City of Centralia and Lewis County do a joint project because Harrison Avenue is used as an alternate route when there is a major accident. Mr. Lakey stated that did occur but Centralia does not have the matching funds.

Commissioner Brown asked about federal forest road improvements since the funds are solely from Lewis County. Mr. Lakey stated there is an agreement with the Forest Service to maintain roads within the Forest Service that provide access to citizens.

Commissioner Brown asked if the County would be responsible for the bridge on Cispus Road if it washed out. Mr. Lakey stated the Forest Service uses these roads too, and if there was a major problem they would help. There was a slide on Cispus Road that the Forest Service took care of. The County is responsible for the surface and maintenance, not necessarily for repairs if there is a full-scale disaster.

Chairman Lowery stated paths and trails are lacking on many roads and he would like to see those considered if there is any extra money. Mr. Kroll stated the Transportation Strategy Council formed a group with the airport, Centralia, Chehalis, WSDOT and the County. There was a recent paths and trails grant opportunity. Centralia applied to bridge the Skookumchuck and connect to the new airport road trail, and the airport applied for funding to pave the top of the dike for a shared use pathway.

Mr. Lakey stated there is only \$17,000 per year budgeted for paths and trails, which is ½ of 1% of the fuel tax that the county receives.

Commissioner Prior asked who is responsible for taking down dangerous trees that are leaning out over a roadway. Mr. Lakey stated area supervisors send out crews to do road review, or if there are reports received someone will go out to make an assessment. If there is a hazard, the County will remove the tree.

Commissioner Mahoney thanked the County crews for the great job they did cleaning up after the ice storm earlier in the year. Mr. Lakey stated FEMA funded part of that clean up – about 87%.

Chairman Lowery thanked Mr. Lakey and Mr. Kroll for their presentation. Mr. Lakey stated the draft would come back to the Planning Commission later in the year and asked that comments be submitted so they can be reviewed.

B. Workshop on Boundary Line Adjustment (BLA)

Mr. Deitrick stated the draft language has been expanded to include the last two new pieces that relate to the review process and the recording of an approved boundary line adjustment. These changes came about by discovering that after the BLA was recorded the next step was overlooked. If there are two property owners, that has to be conveyed and the BLA does not do that. The BLA only identifies the map but ownership must be recorded of anything that moved or went with that property. BLAs can be done by individuals, except for the legal description which a surveyor or title company must stamp. When someone draws up their plans, the overlay of what is being described in the text and what the map shows sometimes create issues if the maps aren't drawn by a surveyor.

Mr. Deitrick stated Environmental Health was having some concerns with existing structures, specifically wells and septic systems. When boundary lines are moved they are sometimes put on septic systems, or drain fields were being bisected which put part of the system on someone else's property. Health was not getting all of these to review. Now the draft language states that Health will review them. The wells and protective radius' were crossing over the property lines that may have been within the property but because of the BLA it has now been sliced and some control has been lost if the property is sold.

Commissioner Tausch asked how a legal parcel would be considered non-conforming. Mr. Deitrick gave an example that if two people have adjoining property and a fence may be on the wrong side of the property line, the parties decide to move the line rather than the fence. Also, the properties may be below the zoning density. In RDD-5 they may have been existing lots that fell below that density with only 1, 2 or 3 acres. Those lots are legal non-conforming lots because they existed that way before zoning.

Commissioner Guenther stated he knew of a situation where a fence line was on the wrong side of a boundary line. The person on whose property the fence was located wanted the fence moved and the case ended up in court. He asked if that is a situation that is relevant to the BLA.

Mr. Deitrick stated there is an RCW which talks about disputes between property owners. Those can be handled between property owners and a surveyor; they don't need to request a BLA.

Commissioner Prior referred to the new draft, last page, which he interpreted to mean the disclaimer was required for all surveys that are associated with BLAs. The lots.... "may not conform to health department requirements for water or sanitary on-site septic systems and may not be suitable for development." If that wording is required and a review by Health is also required it seems that Health ought to say that the BLA is not acceptable, or it is acceptable. If it is acceptable, why is the required wording in there?

Mr. Deitrick replied that Health doesn't care if it's two pieces of raw land where a BLA is being established. Their concern is if one property has an existing facility. Moving the line could impact that facility. If there are two facilities then that complicates it even more. This applies more to raw pieces of land and they would not make any determination at that point. Commissioner Prior stated they are still required to look at it. Mr. Deitrick stated they are but they aren't going to say anything. Their review is going to be checking to be sure there is no unknown septic system or well on the site. If none of that exists, they are not going to look at soil types, etc. This is putting people on notice that these things will be evaluated.

Mr. Prior rephrased his question. If there is a piece of property on which someone wants to do a BLA, and there is no well or septic system, why does Health have to look at it? Mr. Deitrick stated they don't know for sure that there are no undiscovered wells or septic systems and there might be a record of those. It's a way for Health to "triage."

Commissioner Brown stated anyone, whether it is raw land, or for a subdivision or short plat, would have to go to the Health Department and pay them a fee to get them to okay it.

Mr. Deitrick stated that was correct. There was a meeting with the directors of Health, Public Works and Community Development and they asked people in their departments to look at this. That question was brought up: Would Health perform a complete review at a certain charge, and if there was

information already available, would there be a lesser charge? There was assurance that there would be a scale for Health to adhere. The public would have the same issue if they are being charged for a short plat but it is for a boundary line adjustment.

Commissioner Mahoney thought the problem would arise when a property is divided and sold.

Commissioner Brown stated this is adding another layer of bureaucracy.

Mr. Deitrick stated the language reads "may" versus "shall". The opportunity is still there and always will be there whether this language is adopted or not. This will occur and it will occur in varying degrees, either a quick review by the Health Department, or a long review.

Commissioner Prior asked if there is a property with no well or septic system and the BLA just involves a transfer of property, can the fee be waived. He is a licensed geologist and he could sign a paper stating those facilities do not exist on the property.

Mr. Deitrick stated he would have to ask the Health Department.

Commissioner Tausch stated he had a problem giving a government entity an open ticket to charge anything they want for this service. He asked if there was a way of defining those charges ahead of time.

Mr. Deitrick stated all fees go before the Board of County Commissioner. They are not put into the zoning code; they are adjusted periodically for economic reasons. He is not aware of a way to do that within this regulation.

Chairman Lowery stated a frustration of citizens is when they go to get something done, thinking it will be a simple process they discover all the other people or departments that are involved and it becomes complicated. There are a lot of differences between the two documents. The original is pretty clear: the property owners have to agree, hire a surveyor and submit a scale drawing. All of the new language is just adding more layers onto a simple, straight-forward process. The Health Department performs a very important role in the County but now someone is going to be charged more money and require another process to go through. He asked if there was a way to simplify the process.

Mr. Deitrick stated a lot of this is driven by Health.

Chairman Lowery suggested setting another work shop and asking someone from Health to attend and explain why the department needs to be involved. The other Commissioners agreed. Mr. Deitrick stated he would ask someone from Health to attend a meeting. He stated the planning department also contributed to this draft document. Mr. Deitrick is the planner who is doing all the BLAs and land use applications that come through Lewis County. The public does understand what is required because he writes letters to applicants and includes the language. The additional information in Mr. Deitrick's draft instructs the public as to what they need to do.

6. Calendar

The next meeting was tentatively scheduled for August 28. It will not be a public hearing.

7. Good of the Order

Mr. Deitrick updated the Planning Commission on the Mineral Lake/Forecastle issue. The first level appeal was denied by Superior Court. The next step will be before the Court of Appeals.

The South County subarea is still on hold until a long-range planner is on board. Interviews for that position will be on August 1.

The Shoreline Master Plan is being managed by Mr. Emil Pierson, Centralia's Community Development Director, until a long-range planner has been hired. The consultants are in the process of collecting data for that project.

Mr. Deitrick stated the Community Development Director's position has been advertised also. Mr. Johnson will be retiring in December.

Chairman Lowery asked if the South County resolutions had been passed by the BOCC. Mr. Deitrick stated the code amendments regarding South County were adopted; the plan itself is on hold.

8. Adjourn

A motion was made and seconded to adjourn. Adjournment was at 7:23 p.m.